



UNITED STATES MARINE CORPS

MARINE CORPS BASE
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BASE ORDER 12810.1B

From: Commanding General
To: Distribution List

Subj: FEDERAL EMPLOYEE'S COMPENSATION PROGRAM

Encl: (1) Compensation Program Requirements and Responsibilities
(2) Supervisory/Employee Guide to Compensation Program Procedures and Responsibilities

1. Purpose. To disseminate information concerning benefits and procedures of the Federal Employees' Compensation Act (FECA) as administered by the U.S. Department of Labor, Office of Workers' Compensation Programs (OWCP), and to establish responsibility and procedures for local implementation of the Program, as specified in enclosures (1) and (2).

2. Cancellation. BO 12810.1A.

3. Background. FECA provides compensation and medical care for all civil officers and employees of all branches of the Government of the United States (including instrumentalities of the United States wholly owned by the United States) for disability due to personal injuries sustained while in the performance of duty. The term "injury" includes, in addition to injury by accident, a disease proximately caused by the employment. The law also provides for the payment of funeral and burial expenses and compensation for the dependents if the injury or disease causes the employee's death. The FECA is also applicable to Federal employees while serving as Federal petit or grand jurors; volunteer civilian members of the Civil Air Patrol; members of the Reserve Officer Training Corps; Peace Corps volunteers; Job Corps, Neighborhood Youth Corps and Youth Conservation Corps enrollees, and certain other groups.

4. Penalties. Any person who makes a false statement to obtain Federal Employees' Compensation or who accepts compensation payments to which he or she is not entitled is subject to a fine of no more than \$10,000 or imprisonment for no more than five years, or both. Any person charged with the responsibility for making reports in connection with an injury who willfully fails, neglects, or refuses to do so; knowingly files a false report;

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induces, compels, or directs an injured employee to forego filing a claim; or willfully retains any notice, report, or paper required in connection with an injury, is subject to a fine of no more than \$10,000 or imprisonment for no more than 10 years, or both.

5. Information. Additional information or assistance in any aspect of this Order may be obtained by contacting the Employee Assistance Branch, Manpower Department, telephone 451-8848.

6. Action. Organizational commanders, heads of staff sections, and department heads will ensure all supervisors are thoroughly familiar with the contents of this directive and that the directive is made available to employees upon request.

7. Reserve Applicability. This Order is not applicable to the Marine Corps Reserve.

8. Concurrence. This Order has been coordinated with and concurred in by the Commanding Officers of Marine Corps Air Station, New River; Naval Hospital, and Naval Dental Command.


B. A. GOMBAR
Chief of Staff

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COMPENSATION PROGRAM REQUIREMENTS AND RESPONSIBILITIES

1. Exclusiveness of Remedy. A Federal employee who is injured while in the performance of duty has no right to recover damages from the United States for the effects from the injury except through the FECA. The benefits provided by the Act constitute the exclusive remedy for work-related injuries or deaths.

2. Definitions and Explanation of Terms

a. Traumatic injury is defined as a wound or other condition of the body caused by external force, including stress or strain. The injury must be identifiable as to time and place of occurrence and member or function of the body affected; and be caused by a specific event or incident or series of events or incidents within a single day or work shift. Traumatic injuries also include damage or destruction to prosthetic devices or appliances, exclusive of eyeglasses and hearing aids, unless the eyeglasses and hearing aids were damaged incidental to a personal injury requiring medical services.

b. Occupational diseases or illnesses are produced by systemic infection; continued or repeated stress or strain; exposure to toxins, poisons, fumes, etc.; or other continued and repeated exposure to conditions of the work environment over a longer period time.

c. Continuation of Pay (COP) is regular pay authorized for an employee who sustains a disabling, traumatic work injury. Continuation of pay may be paid to an employee for a period of up to 45 calendar days of medically demonstrated disability.

d. Duly Qualified Local Physician. The term includes surgeons, podiatrists, dentists, clinical psychologists, optometrists, chiropractors, and osteopathic practitioners. However, reimbursable services of a chiropractor are limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by x-ray to exist. The term does not include medical care rendered by any other than the type of practitioners listed above. The word "local" generally means within 25 miles from the place of injury, the employing agency, or the employee's home.

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3. Time Requirements

a. Notice of Injury. An employee is required to give his or her supervisor written notice of injury within 30 days after injury in the performance of duty. To avoid delay in processing and possible loss of benefits, the employee or someone acting on his or her behalf should make written report of the injury on Form CA-1, Federal Employees Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation, within two working days following the injury. Compensation may be denied if notice of injury is not given within 30 days, or if the supervisor does not have actual knowledge of the injury.

b. Claim for Compensation

(1) Claim for Disability Compensation. An injured employee is required to file a written claim for compensation within three years after the injury. If, however, the supervisor had actual knowledge of the injury within 30 days, or if written notice was given within 30 days, compensation is allowed regardless of whether a written claim was made within three years after the injury. Actual knowledge must be such to put the supervisor reasonably on notice of an on-the-job injury or death.

(2) Claim for Death Compensation. If the employee dies, a written claim for compensation by or on behalf of the dependent(s) is required before compensation may be paid. This claim is to be filed within three years after the death, unless within 30 days the supervisor had actual knowledge of the death, or written notice was given to the supervisor within 30 days. Also, the timely filing of a disability claim because of an on-the-job injury will satisfy the time requirements for a death claim based on the same injury.

(3) Exceptions to Time Limitations. The time limitations outlined in subparagraphs a and b above do not apply to:

(a) A minor until attaining the age of 21 or a legal representative is appointed.

(b) An incompetent during the period of incompetency and there is no duly appointed legal representative.

(c) A person whose failure to comply is excused on the grounds that the notice could not be given because of exceptional circumstances.

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4. Responsibilities

a. The OWCP, Employment Standards Administration, U.S. Department of Labor, is responsible for the Administration of the FECA. The OWCP district offices normally adjudicate the claims arising within their respective areas of jurisdiction. The Jacksonville, Florida, district office, has jurisdiction over the State of North Carolina.

b. The Employee Assistance Branch, Manpower Department (EABMD) is assigned the responsibility for assuring that FECA obligations are promptly and efficiently discharged for those activities serviced by the EABMD. This includes the receiving of all reports on employee injuries incurred while performing duties, promptly submitting reports to OWCP, and following up and submitting all subsequent reports. Inquiries pertaining to employee coverage, non-employee eligibility, and processing of injury matters should be directed to the Employee Assistance Branch, Manpower Department, Building 58, telephone 451-8848.

c. The execution of forms in connection with injuries will be accomplished by those individuals or offices designated in enclosure (2).

5. Benefits

a. Medical Care. An injured employee is entitled to first aid and medical care for an injury, to include hospital care when needed. The medical care is to be provided by a duly qualified local private physician or hospital of the employee's choice within an area of 25 miles of the employing establishment or employee's home. When travel is necessary to receive medical care, the injured employee may be furnished transportation and may be reimbursed for travel and incidental expenses.

b. Continuation of Pay - Traumatic Injury. An employee who sustains a disabling, job-related traumatic injury may use sick or annual leave, or request continuation of regular pay for a period not to exceed 45 calendar days. Management will, on the basis of the information submitted by the employee, or obtained on investigation, controvert (challenge) and terminate the employee's pay, if the claim falls into one or more of the following listed categories. In all other cases, a manager may controvert; however, the employee's regular pay will not be interrupted during the 45-day period unless the controversion is sustained by OWCP. The supervisor will controvert and terminate pay only if:

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(1) The disability is a result of an occupational disease or illness; or

(2) The employee is one who renders personal services similar to regular employees, but who works without pay or for only nominal pay. These persons generally are not carried in a regular, continuing pay status and frequently serve as consultants, volunteers or contract employees; or

(3) The employee is neither a citizen nor resident of the United States or Canada (i.e., a foreign national employed outside of the United States or Canada); or

(4) The injury occurred off the employing agency's premises and the employee was not involved in official "off premises" duties; or

(5) The injury was caused by the employee's willful misconduct; the employee intended to bring about the injury or death of himself, herself, or another person; or the employee's intoxication was the proximate cause of the injury; or

(6) The injury was not reported on Form CA-1, within 30 days following the injury; or

(7) Work stoppage first occurred 90 days or more following the injury; or

(8) The employee initially reported the injury after his or her employment has terminated; or

(9) The employee is enrolled in the Civil Air Patrol, Peace Corps, Job Corps, Youth Conservation Corps, Work Study Programs, or other similar groups.

c. Other Pay. The employee's regular pay will not be interrupted during the 45 day calendar period unless the controversion is sustained by OWCP. When pay is continued after the employee stops work because of disabling injury, it must not be interrupted until:

(1) Receipt of medical information from the attending physician to the effect that the employee is no longer disabled and the employee is able to return to duty; or

(2) Receipt of notification from OWCP that pay should be terminated; or

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(3) The expiration of 45 calendar days.

d. Compensation. A sum based on loss of wages is payable by the U.S. Department of Labor, subject to the appropriate waiting period after the 45th day in case of traumatic injuries or from the beginning of pay loss in all other types of injuries. When an injured employee loses pay due to temporary total disability resulting from an injury, compensation is payable at the rate of 66 2/3 percent of the pay rate established for compensation purposes. The compensation rate is increased to 75 percent when there are one or more dependents. Compensation begins on the fourth day after pay stops. Compensation may not be paid while an injured employee receives pay for leave. The employee has the right to elect whether to receive pay for leave or to be placed in a leave without pay status and receive compensation for OWCP. Employees so disabled may receive additional compensation, not to exceed \$500 per month, when the services of an attendant are needed constantly because of the disability. If an employee is enrolled in a health benefit plan or has an optional group life insurance plan in effect on the date of injury, deductions will be made by OWCP from compensation payments due the employee. No other deductions will be made; i.e., charity deductions, union dues, thrift savings plan, etc. In cases of permanent total disability, an injured employee is entitled to compensation until death unless the employee is medically or vocationally rehabilitated. An injured employee may receive compensation computed on loss of wage-earning capacity when unable to return to his/her usual employment because of partial disability as a result of the injury. The compensation will be paid as long as there is a loss of wage earnings.

e. Buy-back of Leave. An employee may elect to take sick or annual leave, or both, to avoid possible interruption of income. If the employee uses leave and the claim for compensation is later approved, he or she may arrange with the Civil Payroll Office to buy back the leave used and have it reinstated to the employee's account. The amount of compensation approved would pay a part of the buy-back cost and the employee would have to pay the difference. The employee's share of the cost will depend on several factors such as the length of the period of disability and the amount of Federal Income Tax which is withheld from leave pay. No compensation payment may be paid while the employee remains in a leave status. The Civil Payroll Office will arrange to have compensation paid directly to them for the part of the buy-back cost covered.

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f. Scheduled Awards. Compensation is provided for specified periods of time for the permanent loss, or loss of use, of each of certain members, organs, and functions of the body. Compensation for proportionate periods of time is payable for partial loss, or loss of use of each member, organ, or function. The Compensation for scheduled awards will equal $66 \frac{2}{3}$ percent of the employee's pay, or 75 percent of the employee's pay when there is a dependent. Proper and equitable compensation, not to exceed \$3,500, may be paid for serious disfigurement of the face, head, or neck, if of a nature likely to handicap a person in securing or maintaining employment. Compensation for loss of wage-earning capacity may be paid after the schedule expires. It is the employee's responsibility to furnish medical information supporting continued disability. A scheduled award may be paid concurrently with other pay.

g. Dual Benefits. As a general rule, a person may not concurrently receive compensation from OWCP and a retirement or survivor annuity from the Office of Personnel Management. Such a person may elect to receive the more advantageous benefit. An employee may receive compensation concurrently with military retired pay, retirement pay, retainer pay, or equivalent pay for service in the Armed Forces or other uniformed services, subject to the reduction of such pay in accordance with Federal law (5 U.S.C. 5532(b)).

h. Death Benefits

(1) Burial. A sum not to exceed \$800 may be paid for funeral and burial expenses. An additional sum of \$200 is paid to the personal representative of the decedent for reimbursement of the costs of termination of the decedent's status as an employee of the United States.

(2) Dependent(s)

(a) When there are no children entitled to compensation, the employee's widow or widower may receive compensation equal to 50 percent of the employee's pay until death or remarriage. Upon remarriage, a widow or widower will be paid a lump sum equal to 24 times the monthly compensation being paid on his or her behalf, except that if such remarriage occurs on or after age 60, the lump-sum payment will not be made and compensation will continue until the beneficiary's death.

(b) When there is a child entitled to compensation, the compensation for the widow or widower will equal 45 percent of the employee's pay plus 15 percent for each child, but no more

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than 75 percent of the employee's pay. A child is entitled to compensation until he or she dies, marries, or reaches 18 years of age, or is over 18 and incapable of self-support. If an unmarried child is a student when reaching 18 years of age, compensation may be continued. It may not, however, be continued beyond the end of the semester or enrollment period after the child reaches 23 years of age, has completed four years of school beyond the high school level, or marries.

i. Restoration Rights. A fully or partially recovered employee is entitled to certain restoration rights as follows:

(1) An employee who fully recovers within one year of the date he/she began receiving compensation is entitled to immediate and unconditional restoration to the position left or an equivalent position.

(2) An employee who takes longer than one year to recover after he/she began receiving compensation is entitled to priority placement consideration to the position left or an equivalent position.

(3) Every effort will be made to restore a partially recovered employee or former employee, according to the circumstances in each case, who is able to return to limited duty.

6. Limited Duty Work Assignment. To the maximum extent practicable and consistent with medical findings with restrictions, every possible effort will be made by line management to utilize an employee found fit for limited duty assignment. If the employee cannot be effectively utilized within the permanent work section, arrangements will be made, in coordination with the Employee Assistance Branch, Manpower Department, to detail the employee to another organizational entity within the Camp Lejeune Complex. Funding for such details will be borne by the parent organizational entity.

7. Representation. A claimant may be represented by a person of his or her choice on any matter pertaining to an injury or death occurring in performance of duty. This representation should be authorized in writing by the claimant. No claim for legal services or for other services rendered in a case, claim, or award of compensation shall be valid unless approved by OWCP.

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8. Hearing. A claimant who is not satisfied with an OWCP decision may ask for a hearing before an OWCP representative. The request for a hearing must be made to the Director of OWCP within 30 days after the decision. At the hearing, which will be held at a location convenient to both the claimant and OWCP, the claimant may present evidence in further support of the claim. After the hearing, OWCP will issue a new decision.

9. Reconsideration. A claimant may ask OWCP to reconsider any determination made by one of its offices. No special form is required to request this reconsideration, but the request must be addressed to the Director of OWCP in writing and must state clearly the grounds upon which it is based. It must also be accompanied by evidence not previously submitted, such as new medical reports or new statements and affidavits. There is no time limitation within which a request for reconsideration must be filed.

10. Appeals. A claimant may ask the Employees' Compensation Appeals Board to review final decisions by OWCP. To file an appeal the claimant should write to the Employees' Compensation Appeals Board, 300 Reporter's Building, 7th and D streets, S.W., Washington, D.C. 20210. The review is base solely upon the case in OWCP at the time the final determination was made. New evidence is neither received nor considered by the Board. Applications for review by the Board must be filed within 90 days of the date of the final determination by OWCP.

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SUPERVISORY/EMPLOYEE GUIDE TO COMPENSATION
PROGRAM PROCEDURES AND RESPONSIBILITIES

Employee

Supervisor

Employee Assistance Branch
and Occupational Health and
Preventive Medicine Department

1. Traumatic Injury

Upon being injured:

Immediately report each injury to immediate supervisor.

Whenever an employee of the Department of the Navy suffers an injury on the job, no matter how slight, it is the immediate and primary duty of the supervisor to assure that the employee receives adequate medical treatment. The employee has the right to choose whether to be treated at a Federal Medical Facility or by a private physician or hospital. The employee should be encouraged to seek first aid medical treatment at Occupation Health, Building 65.

Securing Medical Treatment

Make a choice to be treated by a Federal Medical Officer or by a duly qualified physician or hospital in the commuting area. Once this choice has been made (with the exception of initial first aid treatment at Branch Clinic, Building 65), written approval must be obtained from OWCP before a change of physician may be made, if bills are to be paid by the Department of Labor.

In an emergency situation, the nearest qualified physician or hospital may be utilized. If further treatment is needed, the option exists to be treated by a private physician. (note: Referral to another physician or hospital by a physician or hospital does not require OWCP approval.)

Occupational Health
Nurse

Provide or obtain necessary medical treatment. Issue Occupational Health Permit to employee. If employee requires referral to private physician or hospital, notify Employee Assistance Branch.

Show or provide employee with a copy of Privacy Act Statement.

If employee elects treatment at Occupation Health, Building 65, authorize examination and appropriate medical care by issuance of MCBCL 5100/3, Occupational Health Permit. Send employee to Occupation Health, Building 65. Ensure items 1 through 10 on CA-17 are completed and accompany employee also.

Employee

Report to authorized medical facility with: CA-17, Duty Status Report, and MCBCL 5100/3, Occupational Health permit in triplicate

After Initial Necessary Medical Treatment:

Complete employee section of CA-1 and give to supervisor.

Return to work as soon as the attending physician advises.

Advise physician or hospital to forward bills to Employee Assistance Branch Manpower Department, PSC Box 2004, Camp Lejeune, NC 28542-0004.

Supervisor

If employee elects treatment only by duly qualified private physician or hospital, contact the Employee Assistance Branch, Manpower Department.

Complete supervisory section of CA-1, deliver "Receipt of Notice of Injury" and forward to Employee Assistance Branch, Manpower Department.

Code Time Card to reflect any time off as follows:

"LU" on injury date and sign employee out at regular time even though he/she may have left work for treatment and was sent home.

"LT" on following day or shift to reflect 45-day COP period (only in traumatic injury case).

"KD" Leave without pay for purposes of claiming compensation.

"LA" or "LS" - Sick or Annual leave. (Note: Time Cards must be consistent with Leave Choice form and CA-1.)

If Employee's request for COP does not appear to be warranted, COP must either be terminated or controverted.

Contact Employee Assistance Branch, Manpower Department for guidance.

Employee Assistance
and Occupational Health and
Preventive Medicine Department

Compensation Specialist.

Confirm duly qualified private physician or hospital acceptance of the patient.

Issue Forms CA-16 to authorize treatment.

Compensation Specialist Receives CA-1 and ensure issuance of other appropriate forms.

Receive medical bills and other forms from physicians and hospitals and transmit to OWCP for payment.

Compensation Specialist
Review circumstances and advise supervisor of appropriate procedure(s) to follow.

Employee Assistance and
Occupational Health and Employee
Preventive Medicine Department

Supervisor

If injury will result in lost time, notify the cognizant head of employee's organization of injury.

Compensation Specialist. Upon receipt of CA-1 or other report indicating lost time, contact cognizant command/Department/Staff Section.

Upon receipt of notification of employee's limited duty restrictions, expend every effort to locate and provide work in employee's permanent work section or another worksite in cooperation with Employee Assistance Branch.

Compensation Specialist. Obtain a Form CA-17 at earliest practicable date and notify supervisor of limitations for consideration of a limited duty work assignment.

Return to Work - Lost Time Injuries

Report to Supervisor for referral to Occupational Health, Building 65.

If treated by private physician, a release statement indicating return to duty is required. If returning for assignment to limited duty, medical certification will be provided by Federal Medical Officer in conjunction with medical reports received from a private physician.

Refer employee to Occupational Health. Upon receipt of completed release from Building 65, assign employee to duties consistent with available medical data.

Compensation Specialist. Upon being notified of employee's return to duty, complete Form CA-3 and forward with other documents to OWCP.

Contact Compensation Specialist advising of the employees return to full or limited duty and that proper medical certification exists.

Occupational Health Nurse. Ensure returning employee is fit for the full or limited duty and that proper medical certification exists.

Employee Assistance and
Occupation Health and
Preventive Medicine Department

Supervisor

Employee
2. Recurrence of Traumatic Injury

When an Injury Recurs

Report a recurrence of injury to supervisor immediately.

If still eligible (less than 90 days from return to work from initial disability and did not use the whole 45-day period), may request to be placed on COP. If ineligible, may elect annual or sick leave or leave without pay and file a claim for compensation. Prepare a leave choice form and appropriate compensation forms.

Immediately notify the Compensation Specialist of the recurrence.

If less than 90 days from date employee first returned to work following the initial disability, and some of the 45-day period still remains, place employee on COP. If longer than 90 days, COP may not be authorized. Employee may elect sick or annual leave to continue income or leave without pay and claim compensation.

Compensation Specialist. Upon notification of recurrence, submit Form CA-2a to OWCP. If less than six months following last medical treatment, issue Form CA-17 to obtain medical treatment. If longer than six months, prior approval of OWCP is required. If employee wishes to file for compensation, prepare CA-7 or CA-8.

Report for duty upon being notified of availability of limited duty work assignment. Failure to do so will result in termination of COP and unauthorized absence status.

Return to Work Following Recurrence of Traumatic Injury:

Report to Supervisor for referral to Occupational Health, Building 65. If treatment was by private physician, a release statement indicating return to duty is required.

If returning for assignment to limited duty, medical certification will be provided by Federal Medical Officer in conjunction with medical reports received from private physician.

Upon receipt of notification of employee's limited duty restrictions, expend every effort to locate and provide work in employee's permanent work section or another worksite in cooperation with Employee Assistance Branch.

Refer employee to Occupational Health. Upon receipt of completed release from Building 65, assign employee to duties consistent with available medical data.

Contact Compensation Specialist advising of the employees return to duty.

Compensation Specialist. Obtain a Form CA-17 at earliest practicable date and notify supervisor of limitations for consideration of a limited duty work assignment.

Compensation Specialist.

Upon being notified of employee's return to duty, complete Form CA-3 and forward with other documents to OWCP.

Occupational Health Nurse.

Ensure returning employee is fit for the full or limited duty and proper medical certification exists.

Employee

Supervisor

4. Recurrence of Non-Traumatic
Injury/Occupational Disease or
Illness

When Disability Recurs

Report recurrence of disability to
immediate supervisor.

Contact the Employee Assistance
Branch, Manpower Department to
complete appropriate forms

Refer employee to Employee
Assistance Branch, Manpower
Department for completion of forms.

Compensation Specialist. Prepare
and submit a Form CA-2a. If
employee desires to claim
compensation and a Form CA-7 was
not submitted following original
disability, one should be completed
and submitted to OWCP. If form
CA-7 was submitted, compensation
may be claimed by filing Form CA-8
with supporting medical evidence.
If employee does not return to duty
before the date CA-2a is submitted
to OWCP, submit Form CA-3, upon
employee's return to duty.

Report for duty upon being notified
of availability of limited duty
work assignment. Failure to do so
will result in termination of
compensation and unauthorized absence
status.

Upon receipt of notification of
employee's limited duty
restrictions, expend every effort
to locate and provide work in
employee's permanent work section
or another worksite in cooperation
with Employee Assistance Branch,
Manpower Department.

Compensation Specialist. Obtain a
Form CA-17 at earliest practicable
date and notify supervisor of
limitations for consideration of a
limited duty work assignment.

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Employee Assistance Branch and
Occupational Health and
Preventive Medicine Department

Supervisor

Employee
Return to Work Following Recurrence
of non-Traumatic
Injury/Occupational Disease or
Illness

Report to Supervisor for referral to Occupational Health, Building 65. If treatment was by private physician, a release statement indicating return to duty is required. If returning for assignment to limited duty, medical certification will be provided by Federal Medical Officer in conjunction with medical reports received from private physician.

Upon receipt of completed release from, Building 65, assign employee to duties consistent with available medical data.

Contact Compensation Specialist advising of the employee's return to duty

Compensation Specialist. Upon being notified of employee's return to duty, complete Form CA-3 and forward with other documents to OWCP.

Occupational Health Nurse. Ensure returning employee is fit for the full or limited duty and that proper medical certification exists.

ENCLOSURE (2)